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RUEHWL/AMEMBASSY WELLINGTON PRIORITY 2097
RUEHKO/AMEMBASSY TOKYO PRIORITY 0261
RUEHUL/AMEMBASSY SEOUL PRIORITY 4134
RUEHBJ/AMEMBASSY BEIJING PRIORITY 5402
RUEKJCS/SECDEF WASHINGTON DC PRIORITY
RHHMUNA/CDR USPACOM HONOLULU HI PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 04 BANGKOK 000047

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DEPT FOR EAP/MLS; NSC FOR PHU

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TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [TH](#)

SUBJECT: SOME THAI ELECTION WINNERS CERTIFIED, DOZENS STILL
UNDER INVESTIGATION

REF: A. BANGKOK 11 (DISQUALIFICATIONS)

- [1](#)B. BANGKOK 10 (PPP COALITION)
- [1](#)C. 07 BANGKOK 6257 (UNOFFICIAL RESULTS)
- [1](#)D. 07 BANGKOK 6243 (UNPREDICTABLE ELECTION)
- [1](#)E. 07 BANGKOK 6159 (FOCUSING ON PPP)

Classified By: Deputy Chief of Mission James F. Entwistle, reason 1.4 (b) and (d).

SUMMARY

[1](#)1. (C) On January 3, the Election Commission of Thailand (ECT) officially endorsed the victory of 397 of the 480 candidates in the December 23 election for members of the House of Representatives, but said it could not certify the remaining 83 candidates -- 65 of whom are members of the pro-Thaksin People's Power Party (PPP) -- until it concluded election fraud investigations. The ECT said it would attempt to conclude many of these investigations by the middle of the month to meet a January 22 constitutional deadline for the first seating of the parliament. The ECT and the Supreme Court are considering election fraud and legal complaints that could, at least theoretically, result in the dissolution of the PPP or the annulment of the elections, although it is much too soon to form a judgment on the likelihood of either. PPP's top lawyer told us on January 4 that he was confident only a few PPP candidates would be disqualified. He also characterized the complaint filed with the Supreme Court as frivolous. Nevertheless, he was concerned about efforts to block the PPP from forming a government. The ECT's move to disqualify three PPP candidates in Buriram province sparked a large demonstration that caused the head of the provincial ECT to privately express concern about security conditions. The ECT, court rulings, and re-run elections in disputed constituencies could still fundamentally alter the composition of parliament, making it too early to predict the final outcome of the election. End summary.

OFFICIAL RESULTS RELEASED

[1](#)2. (U) On January 3, the Election Commission of Thailand (ECT) officially endorsed the December 23 election results for 397 of the 480 seats in the House of Representatives, in

races in which the ECT had no unresolved complaint of serious fraud. The ECT said it was still investigating allegations of election improprieties involving the remaining 83 unendorsed candidates, and would attempt to conclude those investigations by the middle of January. Under election laws, the ECT has 30 days from the election (until January 22) to certify the results for the remaining 83 unendorsed seats, call for re-run elections in disputed races, or disqualify candidates deemed to have violated election laws and call for re-run elections in those constituencies (see ref A for the ECT's investigation procedures).

¶3. (U) The ECT's official endorsement left the pro-Thaksin People's Power Party (PPP) with the largest number of winning candidates still under investigation by the ECT. 65 of the 83 as-of-yet unendorsed winning candidates are members of the PPP, while only six of the 83 were members of the rival Democrat Party. The ECT certified 18 of the 24 seats that the Motherland Party appeared to have won based on unofficial election results (ref C), while the Chart Thai party saw 33 of its 37 winning seats certified. The ECT did not certify one of both the Ruam Jai Thai Chart Pattana and Matchima Thipathai parties' winning candidates.

¶4. (SBU) Under the constitution, winning candidates should be certified for at least 456 of the 480 seats within 30 days of the election, so the Parliament can have a quorum when it convenes. The ECT said on January 3 it was confident it would meet this benchmark and would certify winning candidates even if they were still under investigation, although the ECT warned that some of these investigations could continue even after the parliament convenes. (Note: According to election laws, the Supreme Court will adjudicate allegations of electoral fraud after the expiration of the

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thirty day period. However, the ECT may still play a role in investigating these allegations. End note.) The ECT said it considered each candidate's status individually following what it characterized as exhaustive fact-checking, and said it had scheduled investigative hearings for the remaining unendorsed candidates.

NEXT STEP: DISQUALIFICATIONS AND BY-ELECTIONS

¶5. (C) Of the 83 uncertified races, a few cases have already received significant public attention. The ECT has already made clear it is in the process of disqualifying three PPP candidates who won election in Buriram, according to preliminary results (ref B). Immediately after this decision became public, PPP complained publicly that the ECT's investigation was led by a biased figure, Police Major General Chaiya Siriamphankun of Special Branch. (The ECT is empowered by law to call on or deputize Police or other state officials in order to perform its duties.) PPP alleged publicly that Chaiya is close to media mogul Sondhi Limthongkul, Thaksin's most vehement public critic in the period leading up to the 2006 coup; we believe the allegation of ties between Chaiya and Sondhi is accurate, and this link will raise legitimate concerns about the objectivity of Chaiya's investigation. The Chairman of Buriram's provincial ECT office, Buriram Vice Governor Kasem Wattanatham, told us on January 4 that he had received at least one death threat as a result of the ECT action. (He fingered a prominent Thaksin supporter as the one making the threat, but did not claim to have heard the threat personally.) He claimed 10,000 protestors gathered outside his office on January 4, and he said he supported the retention of martial law in Buriram in order to restore order. (Note: In late 2007, the cabinet decided to rescind martial law in most areas of Buriram; the necessary documentation to put this decision into effect has not yet been signed by the King, so all of Buriram is currently under martial law. End Note.)

¶6. (C) The ECT also announced it would hold a January 13

re-run election in a Nakhon Ratchasima Province constituency where three PPP candidates had won seats. Those candidates would be allowed to compete in the new election, despite allegations of vote-buying. The ECT stated it was prepared to hold additional by-elections on January 20 pending the results of its investigations of the 83 unendorsed winning candidates. It remains unclear how many of these 83 candidates may face disqualification (red cards) or have to re-compete in by-elections (yellow cards); the ECT does not appear to be revealing details of on-going investigations (although we have heard a detailed account from an NGO source of an additional serious case in Maha Sarakham province that may also result in disqualifications and a re-run election -ref D). Estimates for the number of red and yellow cards that the ECT will ultimately issue have varied widely.

A TOP PPP OFFICIAL UNDER INVESTIGATION

17. (SBU) One of the PPP candidates who remains under investigation is PPP's foremost Deputy Leader, Yongyuth Tiypairath, who ran at the top of the party list for the region which includes his home province of Chiang Rai. (Uncertified results showed PPP won five of the 10 party list seats at stake in that region.) According to a press report, an ECT investigating committee accepts as credible allegations that Yongyuth, who was only indirectly identified in the article, convened a group of 11 Chiang Rai subdistrict headmen in Bangkok in late October, and requested their assistance on behalf of PPP candidates. At the conclusion of the meeting, an associate of Yongyuth allegedly provided each of the subdistrict headmen with 20,000 Baht (approximately 600 USD) in cash. The press report also alleged that Yongyuth likely paid the headmen's expenses for their trip to Bangkok.

18. (C) Comment: Yongyuth is a close associate of Thaksin, with particular expertise in political dirty tricks. The allegation that he paid subdistrict headmen for their

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political support strikes us as credible, and we note the press report included substantial detail about Yongyuth's alleged activities. Yongyuth's case is particularly important because, if he is found to have committed these acts, his high position in PPP could prompt the ECT to file a motion with the Constitutional Court for PPP's dissolution; article 103 of the Election Law provides for this process if there is evidence of efforts to corrupt election procedures by party Executive Board members. End Comment.

SUPREME COURT REVIEWS HIGH-PROFILE ELECTION CASES

19. (C) On January 3, the Supreme Court announced it would review on January 15 and 16 two high-profile complaints that could have a significant impact on the election results. The first is a complaint filed by a Democrat candidate in a northeastern province who alleged that the PPP and its leader, Samak Sundaravej, were proxies for the dissolved Thai Rak Thai (TRT) party and deposed Prime Minister Thaksin Shinawatra, and thus were ineligible to field candidates for the December 23 election. (Note: It is widely believed that Thaksin is the real power behind PPP and is controlling the party from behind the scenes; all the evidence available to us supports this contention. Thai law - even before the coup - would prohibit Thaksin from serving as an executive of the new party; it is not clear how the law would handle Thaksin's "unofficial" role as party leader. End note.) The complaint also alleged that the pre-election distribution of a controversial VCD that contained a message from Thaksin was illegal (ref E), and called on the court to annul the elections. The second is a complaint that advance and absentee voting, conducted one week before the election, were not legally authorized under election laws. The impact of a ruling that these complaints have merit remains unclear,

although it would likely lead to significant confusion in the post-election environment. At this point, however, all the Supreme Court has done is agree to review claims that have been brought by various individuals. No official entity has endorsed these complaints.

PPP LAWYER'S PERSPECTIVE

¶10. (C) We spoke on January 4 with PPP legislator-elect Noppadol Pattama, one of the party's Deputy Secretaries General and its top lawyer. Noppadol told us the party had reviewed with its candidates the matters under investigation, and he saw no basis for concern. He said he was aware of legitimate grounds for only a few disqualifications of PPP candidates, and he believed there was incriminating evidence against a larger number of candidates from rival parties. Noppadol said he could not at this stage accuse the ECT of acting improperly against PPP, but he recognized the ECT might not rule as his party expected -- "we should wait a few days" before drawing conclusions, he said.

¶11. (C) When we asked about the Supreme Court case (see para 9), Noppadol characterized it as a frivolous case filed by a sore loser. Noppadol emphasized that the Supreme Court has no authority to dissolve a political party; only the Constitutional Court can impose that penalty. He said he was very confident that PPP could easily resolve the complaints before the Supreme Court. Nevertheless, without elaboration, he said he had heard credible rumors about extra-constitutional efforts to block PPP from forming the government. He appeared concerned about this alleged plot but did not provide further details.

COMMENT

¶12. (C) We will continue to be in touch with PPP and others to determine if they have specific complaints to make about ECT decisions. For now, we agree with the PPP lawyer that it is too soon to draw a conclusion on the ECT or the Supreme Court actions. However, the political temperature is clearly rising as various political actors look for ways to gain advantage in the fight to control the formation of the next

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government.
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